

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOED VALENTIN-MORALES,

Petitioner,

v.

VINCENT MOONEY, et al.,

Respondents.

2:13-cv-3271-WY

ORDER

AND NOW, this 24th day of September, 2014, upon careful consideration of Joed Valentin-Morales's petition under 28 U.S.C. § 2254 for a writ of habeas corpus (Doc. 1), his memorandum of law in support thereof, the Commonwealth's response, Valentin-Morales's traverse, the Magistrate Judge's report and recommendation, and petitioner's objections thereto,

IT IS HEREBY ORDERED that:

1. Petitioner's objections are overruled as to Claim I (ineffective assistance of counsel for failure to call Emma Rosado) and Claim II (due process violation for failure of PCRA court to reverse conviction based on newly discovered evidence). Claim I and Claim II of the petition are **DENIED**.
2. The respondents are directed to respond within twenty days to petitioner's Claim III (ineffective assistance of counsel for failing to communicate the Commonwealth's plea offer) as to ineffectiveness of PCRA counsel under the rule of *Martinez v. Ryan*, 132 S. Ct. 1309 (2012) and the ineffectiveness of trial counsel. Petitioner may file a responsive brief within twenty days thereafter.
3. Petitioner's Motions for Discovery (Document Nos. 20 and 21) are **DISMISSED** as moot.

s/William H. Yohn Jr.
William H. Yohn Jr., Judge